IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.445 OF 2005

Rajaram Tukaram Gosavi, .. Applicant
Vs
Shankar @ Chandrakant Atmaram
Gosavi & ors. .. Respondents

Mr. Milind Parab, for the applicant.
Mr S.V.More, APP for the respondent-State.
None for the respondents.

CORAM : D.B.BHOSALE, J.
DATED : 27th JUNE, 2006

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State. None appears for the respondents.

2. This is an application under section 378(4) of Cr.P.C.seeking leave to appeal against the order of acquittal dated 26.8.2006. The respondents-accused were charged, tried and acquitted of the offences punishable under section 447, 379 read with 34 of IPC. The Court below, on appreciation of the evidence on record, have recorded a categoric finding that there is no material on record to show that the complainant alone was in exclusive possession of the land bearing survey no.459/21 and that other co-owners are have not forthcoming, making allegations, against the respondents-accused of trespasss. Considering the reasons recorded by the Court below, on appreciation

of the evidence on record, the impugned judgment cannot be said to be unreasonable and perverse. The view taken by the learned Judge is a reasonably possible view. In the circumstances, this application seeking leave to appeal is rejected.

(D.B.BHOSALE,J.)